

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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AMERICAN EMPIRE SURPLUS LINES
INSURANCE COMPANY,

Plaintiff,

- against -

EM & EM CHIMNEY & MASONRY
REPAIR, INC.,

Defendant.
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**FILED
CLERK**

3:10 pm, Sep 20, 2017

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

**DEFAULT JUDGMENT
CV 16-1541 (ADS)(AYS)**

An Adoption Order of Honorable Arthur D. Spatt, United States District Judge, having been filed on September 15, 2017; adopting in its entirety the August 30, 2017 Report and Recommendation (“R&R”) of United States Magistrate Judge Anne Y. Shields; granting the Plaintiff’s motion for a default judgment; directing the Clerk of the Court to enter judgment in favor of the Plaintiff and against the Defendant in the amount of (1) \$103,110.77, (2) plus prejudgment interest at the rate of nine percent per annum from February 16, 2016 through entry of judgment, and the Clerk of the Court having calculated that amount to be \$14,797.10; directing the Clerk of the Court to enter judgment in the amount of \$500 in favor of the Plaintiff against the Defendant for costs and disbursements in this action; dismissing the Plaintiff’s request for declaratory judgment; denying without prejudice the Plaintiff’s request for attorneys’ fees and with leave to renew; and directing the Clerk of the Court to enter judgment in favor of the Plaintiff in accordance with the R&R, and to close the case, it is

ORDERED AND ADJUDGED that the Plaintiff American Empire Surplus Lines Insurance Company’s motion for a default judgment as against the Defendant EM & EM Chimney and Masonry Repair, Inc. Is granted; that the Plaintiff American Empire Surplus Lines Insurance Company is awarded damages against the Defendant EM & EM Chimney and Masonry Repair, Inc. in the amount of \$103,110.77, plus \$14,797.10 in prejudgment interest, and \$500 for costs and disbursements in this action, for a total award of \$118,407.87; that the Plaintiff American Empire Surplus Lines Insurance Company’s request for a declaratory judgment is dismissed; that the Plaintiff American Empire Surplus Lines Insurance Company’s

request for attorneys' fees is denied without prejudice and with leave to renew; and that this case is closed.

Dated: Central Islip, New York
September 20, 2017

DOUGLAS C. PALMER
CLERK OF THE COURT

By: /s/ James J. Toritto
Deputy Clerk